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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NOEL C. MURRAY and DR. SWARNA
PERERA, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

PROVIDENT TRUST GROUP, LLC, and
ASCENSUS, LLC,

Defendants.

Case No.: 2:18-cv-01382-MMD-GWF

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND BRIEFING
DEADLINES ON DEFENDANTS'
MOTION TO DISMISS**

(Second Request)

Plaintiffs Noel C. Murray and Dr. Swarna Perera ("Plaintiffs"), by and through their counsel of record, the Law Office of Hayes & Welsh, the Law Office of Christopher J. Gray, P.C., and the Law Offices of Joshua B. Kons, LLC, and Defendants Provident Trust Group, LLC, and Ascensus, LLC, ("Defendants") by and through their counsel of record, Greenberg Traurig, LLP, stipulate and request that the Court extend the deadlines (1) by which Plaintiffs must file their opposition to Defendants' motion to dismiss up to, and including, **November 30, 2018**, and (2) by which Defendants must file their reply in support of their motion to dismiss up to, and including, **January 11, 2019**. This stipulation is made and based upon the following:

1. Plaintiffs filed their Complaint on July 26, 2018, in which they allege Defendants breached their contractual and fiduciary duties as trustees and custodians of Plaintiffs' Individual Retirement Accounts. ECF No. 1. Plaintiffs seek certification to represent a class of similarly situated individuals across the country. *Id.*

2. Defendants filed a motion to dismiss on October 8, 2018. ECF No. 21. By way of prior stipulation (ECF No. 24), Plaintiffs' opposition is currently due November 12, 2018, and Defendants' reply is currently due December 3, 2018.

3. Counsel for Plaintiffs require additional time to prepare their opposition, taking into account the exercise of due diligence. Counsel for Defendants have trials scheduled during the current reply deadline and thus require additional time to draft their reply.

4. In light of the foregoing, the parties agree that Plaintiffs shall have up to, and including, **November 30, 2018**, to file their opposition to the motion to dismiss and that Defendants shall have up to, and including, **January 11, 2019**, to file their reply in support.

5. This is the second request for an extension of time. This stipulation is entered into in good faith and not for purposes of delay.

DATED this 5th day of November 2018.

DATED this 5th day of November 2018.

By: /s/ Mark E. Ferrario

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IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

DATED: November 9, 2018